

16.

**2024-12-05-0962**

Ordinance extending the Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the San Antonio Airport System with Western States Fire Protection Co., beginning January 1, 2025, through June 30, 2025, with three, one-month renewal options for a cost not to exceed \$200,000. Funding is from the Airport Operating & Maintenance Fund FY 2025 Adopted Budget. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 16

**Agenda Date:** December 5, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Finance Department

**DEPARTMENT HEAD:** Troy Elliott

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Extension of Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the San Antonio Airport System

**SUMMARY:**

This ordinance will authorize the extension of the current Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the San Antonio Airport System with Western States Fire Protection Co. (WSFP) for the period of six months from January 1, 2025, to June 30, 2025, with three one-month renewal options. The estimated cost for this extension is not to exceed \$200,000.00. Funding for this extension is available from the Airport Operating & Maintenance Fund FY 2025 Adopted Budget.

**BACKGROUND INFORMATION:**

Submitted for City Council consideration and action is the change order to extend the term of the current Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the San Antonio Airport System with Western States Fire Protection Co. (WSFP).

On June 13, 2019, City Council approved Ordinance 2019-06-13-0479 approving the contract with Western States Fire Protection Co. to provide the SAAS with fire detection and fire suppression

systems and equipment services. The initial three year term of the contract commenced on June 13, 2019, and terminated on September 30, 2022. On September 28, 2022, the City executed the renewal term of the final one year period commencing on October 1, 2023, and terminating on September 30, 2024. On August 26, 2024, the City utilized a 90-day extension period commencing on October 1, 2024, and terminating on December 31, 2024.

The San Antonio Airport System, which includes the San Antonio International Airport and Stinson Airfield, operates in a dynamic environment adhering to Federal, State and Local regulations governing transportation, security, and public safety. Providing service to the public requires the airport to operate and maintain a safe environment for employees, passenger access, airline operations, ground transportation and security functions. The Fire Detection System is a key component to providing a safe environment to all who use and work at the airport. It is equipped with an array of devices to detect a fire in its initial stage, and to notify emergency response personnel and the traveling public.

The City issued a Request for Competitive Sealed Proposals (RFCSP) and two proposals were received, evaluated and the top ranked firm was recommended for award; however, during the course of final review of the recommendation, the Aviation Department discovered inconsistencies with the scope of work related to service cycles for maintenance and the specifications. Due to the significant change in scope requirements, the RFCSP was canceled and will be resolicited. In order to ensure continuity of services while a new solicitation process is undertaken, the current contract is being amended to extend the contract term for six months with option for three additional one month renewals.

#### **ISSUE:**

This ordinance will authorize a change order to extend the current Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the SAAS with Western States Fire Protection Co., effective January 1, 2025, through June 30, 2025, with three, one month renewal option to allow a new solicitation process to take place for a new contract.

#### **ALTERNATIVES:**

This ordinance allows for a change order to extend contract term for purchasing under the current contract to provide the Aviation Department with fire detection and fire suppression systems and equipment services. If this change order is not approved, the Aviation Department would be required to purchase these services on as needed basis resulting in increased costs due to non-contract purchases.

If the inspection services are missed, or delayed, systems are considered out of compliance with fire code, insurers, the Fire Marshal, COSA and Aviation Safety compliance, FAA, TSA, CBP, etc.

#### **FISCAL IMPACT:**

This ordinance will authorize the extension of the current Annual Contract for Fire Detection and Fire Suppression Systems and Equipment Services for the San Antonio Airport System with Western States Fire Protection Co. (WSFP) for the period of six months from January 1, 2025, to June 30, 2025, with three one-month renewal options. The estimated cost for this extension is not to exceed \$200,000.00. Funding for this extension is available from the Airport Operating & Maintenance Fund FY 2025 Adopted Budget.

**RECOMMENDATION:**

Staff recommends the approval of this ordinance.



CONTRACT NAME:	Annual Contract For Fire Detection And Fire Suppression Systems And Equipment Services For The San Antonio Airport System (SAAS)
CONTRACT NUMBER:	RFCSP No. 6100011128; 19-039; City Assigned Contract No. 4400005073
VENDOR NAME:	Western States Fire Protection Co.
VENDOR ADDRESS:	141 Windy Meadows Dr.
	Schertz, Texas 78154
ATTN:	Tim Martinez
CHANGE ORDER NUMBER:	1
DATE ISSUED:	November 6, 2024
EFFECTIVE DATE OF CHANGE ORDER:	January 1, 2025

**Whereas**, pursuant to Ordinance No. 2019-06-13-0479, the City of San Antonio (“City”) entered into a contract with Western States Fire Protection Co. (“Vendor”) to provide the City with fire protection services to include inspections, testing, systems monitoring, repairs, and equipment installations for the San Antonio Airport System, which commenced on June 13, 2019, and, as renewed and extended expires on December 31, 2024 (the “Contract”); and

**Whereas**, the City requires continued services under this Contract to ensure fire systems remain functional and compliant with fire codes in order to allow City additional time to issue a solicitation for a new contract, and Vendor is willing and able to provide continued services for this interim period; and

**Whereas**, the Texas Local Government Code indicates that competitive bidding is not required under section 252.022(a)(2), which provides for a procurement necessary to protect the public health or safety; and

**Whereas**, parties agree to amend the contract to add an additional six-month term, beginning January 1, 2025, and ending June 30, 2025, with the option for the City to renew for up to three additional one-month periods. This contract is hereby amended as follows:

## 1. CHANGE ORDER

- 1.1 The term of this contract is hereby extended for an additional six-month period, beginning January 1, 2025, and ending June 30, 2025. Section 005 – Supplemental Terms & Conditions, Original Contract Term, Renewals, and Temporary Short-Term Extensions, are hereby replaced with the following:

### Contract Term.

This contract began on June 13, 2019, and shall terminate on June 30, 2025.

### Renewals.

At City's option, this Contract may be renewed under the same terms and conditions for on a month-to-month basis, not to exceed three months. Said month to month extensions shall be in writing, signed by Director, and shall not require City Council approval, subject to and contingent upon appropriation of funding therefor.

## 2. PROVISIONS REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the above referenced contract, as previously amended, not specifically mentioned herein and revised by this document, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said contract, and any renewals thereof.

## 3. ENTIRE AGREEMENT

This contract, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

*[Signature Page Follows]*

**EXECUTED** and **AGREED** to as of the dates indicated below. This Change Order may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

<b>CITY OF SAN ANTONIO</b>	<b>WESTERN STATES FIRE PROTECTION CO.</b>
	<div>Digitally signed by Tim Martinez DN: C=US, E=tim.martinez@wsfp.us, O=Western States Fire Protection, OU=Western States Fire Protection, CN=Tim Martinez Date: 2024.11.07 14:56:07-06'00'</div> <b>Tim Martinez</b>
_____ (Signature)	_____ (Signature)
Printed Name: Angelica Mata	Printed Name: <b>Tim Martinez</b>
Title: Assistant Finance Director	Title: <b>Area Manager</b>
Date: _____	Date: <b>11-7-2024</b>

Approved as to Form:

\_\_\_\_\_  
Assistant City Attorney

This Change Order is part of the contract. Please return this Change Order to the Finance Department, Procurement Division.

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,  
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

**ORDINANCE**

**EXTENDING THE ANNUAL CONTRACT FOR FIRE  
DETECTION AND FIRE SUPPRESSION SYSTEMS AND  
EQUIPMENT SERVICES FOR THE SAN ANTONIO  
AIRPORT SYSTEM WITH WESTERN STATES FIRE  
PROTECTION CO., BEGINNING JANUARY 1, 2025,  
THROUGH JUNE 30, 2025, WITH THREE, ONE-MONTH  
RENEWAL OPTIONS FOR A COST NOT TO EXCEED  
\$200,000.00. FUNDING IS FROM THE AIRPORT  
OPERATING & MAINTENANCE FUND FY 2025  
ADOPTED BUDGET.**

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**WHEREAS**, pursuant to Ordinance No. 2019-06-13-0479, the City of San Antonio (“City”) entered into a contract with Western States Fire Protection Co. to provide the City with fire protection services to include inspections, testing, systems monitoring, repairs, and equipment installations for the San Antonio Airport System, which commenced on June 13, 2019, and, as renewed and extended expires on December 31, 2024 (the “Contract”); and

**WHEREAS**, the City requires continued services under this Contract to ensure fire systems remain functional and compliant with fire codes in order to allow City additional time to issue a solicitation for a new contract, and Western States Fire Protection Co. is willing and able to provide continued services for this interim period; and

**WHEREAS**, the Texas Local Government Code indicates that competitive bidding is not required under section 252.022(a)(2), which provides for a procurement necessary to protect the public health or safety; and

**WHEREAS**, approval of this ordinance authorizes a change order extending the Contract for additional six-month period beginning January 1, 2025, through June 30, 2025, with the option for the City to renew for up to three, additional one-month periods under the same terms and conditions for a cost not to exceed \$200,000.00 including renewals; and

**WHEREAS**, all expenditures will be in accordance with the applicable fiscal year’s budget approved by City Council; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Change Order 1 between the City and Western States Fire Protection Co., for continued fire protection services extending the Contract for additional six-month beginning January 1, 2025, through June 30, 2025, with the option for the City to renew for up to three,



additional one-month periods under the same terms and conditions for a cost not to exceed \$200,000.00 including renewals (the “Change Order”) is hereby approved. A copy of the Change Order is attached hereto as **Exhibit I**. The Deputy Chief Financial Officer or designee is hereby authorized to execute the Change Order on behalf of the City of San Antonio.

**SECTION 2.** Funding for this ordinance in the amount of \$180,000.00 is available in Fund 51001000, Cost Center 3305030006 and General Ledger 5204050 as part of the Fiscal Year 2025 Adopted Budget approved by City Council.

**SECTION 3.** Funding for this ordinance in the amount of \$37,630.50 is available in Fund 51001000, Cost Center 3305030010 and General Ledger 5204050 as part of the Fiscal Year 2025 Adopted Budget approved by City Council.

**SECTION 4.** Payment in the amount of \$200,000.00 is authorized to Western States Fire Protection Co. and should be encumbered with purchase orders.

**SECTION 5.** The financial allocations in this ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

**SECTION 6.** This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.

**PASSED and APPROVED** this \_\_\_ day of \_\_\_\_\_, 2024.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney